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## **FACSIMILE COVER SHEET**

DATE: SEPTEMBER 26, 2005

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OUR REFERENCE: 641505 (207596)

FROM: XAVIER PILLAI, PH.D.

REGISTRATION No. 39,799

To:

COMMISSIONER FOR PATENTS

P.O. Box 1450

**ALEXANDRIA, VA 22313-1450** 

WASHINGTON, D.C.

FACSIMILE NUMBER: 571-273-8300

IN RE APPLN. OF:

ERICKSON ET AL.

APPLICATION NO.

09/720,276

FILED:

MARCH 7, 2001

For:

FITNESS ASSAY AND ASSOCIATED METHODS

ENCLOSURES: SUBSTANCE OF THE INTERVIEW WITH FAX TRANSMISSION CERTIFICATE UNDER

37 CFR 1.8 OR 1.10 (2 PAGES); AND FAX COVER SHEET.

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FaxPTO (2/9/2001)

## SEP 2 6 2005

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/720,276

Applicant: John W. Erickson et al.

Filed: March 7, 2001

TC/AU: 1648

Examiner: LE, Emily M.

Docket No.: 207596 (Client Reference No. E-200-1998/O-US-02)

Customer No.: 23460

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### SUBSTANCE OF THE INTERVIEW

Sir:

On July 6, 2005, applicants through the undersigned, contacted Examiner Emily Le and informed that the Office Action dated May 17, 2005 contained an error, which was not due to applicants' mistake. The correct set of claims was not examined by the Office. On September 2, 2005, the Examiner advised that the Office Action mailed May 17, 2005 will be withdrawn and that a new non-final Office Action will be mailed. The Examiner advised that there is no need to file a reply to the Office Action of May 17, 2005. The Examiner also advised that the deadline for a reply to the new Office Action will start from the mailing date of the new Office Action. This Substance of the Interview is being filed timely, i.e., within 1 month of the Office Communication mailed September 12, 2005.

Application No. 09/720,276

Substance of the Interview

Respectfully submitted,

Xavier Pillai, Reg. No. 39,799 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)

Date: September 26, 2005

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I hereby certify that this document and all accompanying documents are, on the date indicated below, being deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number. deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or defeating facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Xavier Pillai		
Signature	Yan Villan	Date	September 26, 2005

M:\clientsWIH\Amd\207598 Substance of the Interview (9-26-05).doc